

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

BRITTAIN D. WALLER,

Plaintiff,

v.

OHIOHEALTH CORPORATION, *et al.*,

Defendants.

Case No. 2:25-cv-672

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Kimberly A. Jolson

ORDER

This matter is before the Court on the Report and Recommendation issued by the Magistrate Judge on July 11, 2025. (ECF No. 12.) The Magistrate Judge recommends that the Motion to Proceed *in forma pauperis* filed by Plaintiff Brittain Waller (ECF No. 10) be denied. (*Id.*) Ms. Waller previously paid the filing fee (ECF Nos. 1, 2) but asked the Court to allow her to proceed *in forma pauperis* as to service because she could not “afford the cost of service and other litigation expenses at this time.” (ECF No. 10.) The Magistrate Judge explained that Ms. Waller’s income exceeded her monthly expenses, and the circumstances did not warrant granting her *in forma pauperis* status as to service. (ECF No. 12, PageID 63.)

Once a magistrate judge issues a report and recommendation, the relevant statute provides:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1). The failure to file written objections to a magistrate judge’s report and recommendation waives a de novo determination by the district court of any issues addressed in

the report and recommendation. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

Ms. Waller was advised of her right to object to the Report and Recommendation and of the consequences of failing to do so (ECF No. 12, PageID 65–66), but she did not file a timely objection. Instead, she filed Notice on the Court’s docket acknowledging that the Magistrate Judge recommended that her Motion be denied and stating that she intended to serve Defendants by certified mail. (ECF No. 16.) Accordingly, Ms. Waller waived a de novo review of the Report and Recommendation.

The Court has reviewed the Report and Recommendation and agrees with the recommendations stated therein. The Court **ADOPTS** and **AFFIRMS** the Report and Recommendation. (ECF No. 12.) The Motion to Proceed *in forma pauperis* as to service (ECF No. 10) is **DENIED**.

This case remains open.

IT IS SO ORDERED.

8/27/2025
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE